

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CLOUDING IP, LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 13-1338 (LPS)
)	
CA, INC. d/b/a CA TECHNOLOGIES,)	JURY TRIAL DEMANDED
)	
Defendant.)	

**CA INC.'S MOTION TO DISMISS FOR LACK OF STANDING
OR, IN THE ALTERNATIVE, AS VOID FOR CHAMPERTY**

Pursuant to Fed. R. Civ. P. 12(b)(1) and the common law doctrine of champerty, Defendant CA, Inc. ("CA") respectfully requests that the Court dismiss Plaintiff Clouding IP LLC's ("Clouding") First Amended Complaint against CA for lack of standing or, in the alternative, as void for champerty.

CA has reviewed the arguments set forth in the opening briefs filed in support of the motions to dismiss filed in *Clouding IP LLC v. Google, Inc.* (C.A. No. 12-639-LPS), *Clouding IP LLC v. Amazon.com, Inc., et al.* (C.A. No. 12-641-LPS) and *Clouding IP LLC v. Motorola Mobility LLC* (C.A. No. 12-1078-LPS). See D.I. 102 in C.A. No. 12-639-LPS; D.I. 113 in C.A. No. 12-641-LPS; D.I. 93 in C.A. 12-1078-LPS. In addition, CA understands that, concurrent with the filing of CA's motion to dismiss: (1) EMC, Corp., EMC International US Holdings, Inc. and VMware, Inc. are filing a joint motion to dismiss in *Clouding IP LLC v. EMC Corp., et al.* (C.A. No. 13-01455-LPS); and (2) Rackspace Hosting, Inc., Rackspace U.S., Inc. and Jungle Disk, LLC are also filing a joint motion to dismiss in *Clouding IP LLC v. Rackspace Hosting, Inc., et al.* (C.A. No. 1200675-LPS). CA has reviewed the opening briefs to be filed with each of those motions as well.

Because the First Amended Complaint suffers from the same standing and champerty defects as explained in all of the aforementioned briefs, CA will not burden the Court with a duplicative brief, but instead relies upon and incorporates herein the arguments in the aforementioned briefs in support of its motion.

WHEREFORE, CA respectfully requests that the Court dismiss Clouding's First Amended Complaint against CA in its entirety for lack of standing or, in the alternative, as void for champerty.

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December 20, 2013

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2013, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on December 20, 2013, upon the following in the manner indicated:

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